

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 11-mj-245(3) (DWF)

Plaintiff,

v.

ORDER AND MEMORANDUM

Hamdi Ahmed Mohamud,

Defendant.

Laura M. Provinzino, Assistant United States Attorney, United States Attorney's Office,
counsel for Plaintiff.

Philip G. Leavenworth, Esq., Leavenworth Law Office, counsel for Defendant.

This matter is before the Court pursuant to Defendant Hamdi Ahmed Mohamud ("Defendant") motion for revocation of the Order of Removal (Doc. No. [21]) filed by Magistrate Judge Franklin L. Noel on June 22, 2011. The United States opposes the Defendant's motion.

Based upon the presentations of the parties, the Court having reviewed the contents of the Court's file in this matter, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Hamdi Ahmed Mohamud's motion to revoke the Magistrate Judge's order of removal to the Middle District of Tennessee that was filed on June 22, 2011 (Doc. No. [26]) is hereby **DENIED**.

2. Magistrate Judge Franklin L. Noel's June 22, 2011 Order of Removal (Doc. No. [21]) is **AFFIRMED**.

Dated: July 27, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge

MEMORANDUM

Hamdi Ahmed Mohamud was arrested on a complaint in the Middle District of Tennessee alleging witness tampering in violation of 18 U.S.C. § 1513(b)(1) and (b)(2). Significantly, § 1513(g) has a specific venue provision establishing that venue in this instance is proper in the Middle District of Tennessee. A prosecution under § 1513(g) "may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred." Admittedly, the alleged witness tampering of M.A. was alleged to have occurred in Minneapolis, Minnesota, but the official proceeding that the defendant intended to affect was a case pending in the Middle District of Tennessee. *United States v. Adan, et al.*, 3:10-cr-260 (M.D. Tenn.). The record before the Court alleges that the defendant acknowledged that the victim, M.A., had provided

information to law enforcement, that M.A. had appeared before a grand jury in the Middle District of Tennessee, and would likely be a witness at trial.

The record establishes that the Middle District of Tennessee is a proper venue for the defendant's witness tampering charge, pursuant to 18 U.S.C. § 1513. For the reasons stated, the Court has affirmed Magistrate Judge Franklin L. Noel's June 22, 2011 order removing the above-entitled to the Middle District of Tennessee.

D.W.F.